The constitutionality of the Illinois statute was first raised in the case of *Lynch* v. *Malley, et al,* 215 Ill. 574, 74 N. E. 723, 2 Ann. Cases 837, where the court held the law valid. In construing the constitutional clause "all votes shall be by ballot", the court said, "by ballot means that the voting shall be secret as contradistinguished from that showing hands or viva voce voting." The court also considered the expediency of voting machines relative to the great increase in population. Apparently the first case to consider the validity of the voting machine law was *Re McTammany Voting Machine,* 19 R. I. 739, 36 Atl. 716, 36 L. R. A. 547, where it was held consistent with the constitutional provision that voting shall be by ballot. That case was followed by *McTammany Voting Machine,* 23 R. I. 630, 50 Atl. 265. The view held by these cases represents the weight of authority. "A statute permitting the use of the voting machine, which assures secrecy, free choice of candidates and a correct record of the vote, is not contrary to the constitutional provision that all votes shall be given by ballot. *People ex rel Detroit* v. *Inspectors of Election,* 139 Mich. 548, 102 N. W. 1029, 69 L. R. A. 184, 111 Am. St. Rep. 430; *U. S. Standard Voting Machine Co.* v. *Hobson,* 132 Iowa, 38, 109 N. W. 458. "Any method substantially in accordance with the spirit of the constitution, which gives an effective exercise of an elective franchise, that method can not be held in violation of the constitution because not in accord with its letter", thus upholding the validity of voting machines. *Elwell* v. *Comstock,* 99 Minn. 261, 109 N. W. 698, 7 L. R. A. N. S. 621; *Helme* v. *Election Commissioners,* 149 Mich. 390, 113 N. W. 6, 119 Am. St. Rep. 691. Congress has authorized the use of voting machines in federal elections. 30 U. S. STAT. AT L. 836, 2 FED. STATS. Ann. 212. But there is respectable authority against the constitutionality of the voting machine. In *Opinion of Justices,* 178 Mass. 605, 60 N. E. 129, 54 L. R. A. 430, a voting machine statute was held consistent with the constitutional provision that representatives were to be chosen by written vote, but this opinion was expressly repudiated in *Nicholas* v. *Election Commissioners,* 196 Mass. 410, 82 N. E. 50, and the voting machine statute was declared unconstitutional. In *Re Newark School Board,* (New Jersey, 1907,) 70 Atl. 881, there is dicta to the same effect. Perhaps the leading case holding the voting machine unconstitutional is *State ex rel Karlinger* v. *Supervisors of Election,* 80 Oh. St. 471, 89 N. E. 33, affirmed in *State ex rel Weinberger* v. *Miller,* (Oh. 1912) 99 N. E. 1078. The court said, "By ballot is meant a printed or written expression of the voter's choice upon some material capable of receiving and reasonably retaining it, prepared or adopted by each individual voter and passed from his control into that of the election officer". But this case is criticised in 9 COL. L. REV. 732.

HUSBAND AND WIFE—SERVICES OF WIFE.—Plaintiff, a married woman, brought an action against the executor of one Mrs. Pawl, deceased, to recover for services as nurse, rendered during the last few months of her life. The deceased was a boarder in the home of plaintiff and her husband. There was no express promise to pay for the services as nurse. *Held,* the services come within the range of the plaintiff's "domestic duties", and therefore the

right of action is in the husband, not the wife. Plaintiff nonsuited. *Stevenson* v. *Akarman,* (N. J. 1912) 85 Atl. 166.

The principal case raises the question as to who is entitled to the earnings of the wife. The common law gave all her earnings to the husband absolutely. TIFFANY, PERSONS & DOMESTIC RELATIONS, § 89, and cases cited. At the present time most of the states have statutory modifications of this rule. A number of them have broad provisions declaring all the wife's earnings to be her separate estate. Such States are: Arkansas, Colorado, Connecticut, North Dakota, Oregon, Pennsylvania, South Carolina, Utah, Virginia and Washington. KIRBY'S DIGEST, ARK. LAWS, § 5214: *Allen* v. *Eldridge,* 1 Colo. 287; *Shea* v. *Maloney,* 52 Conn. 327: REV. CODES, N. D. 1905, § 4082; *Atteberry* v. *Atteberry,* 8 Oreg. 224: *Lewis's Estate, Rhodes Appeal,* 156 Pa. St. 337: *Hairston* v. *Hairston,* 35 S. C. 298: COMP. LAWS, UTAH, § 1201; *Grant* v. *Sutton,* 90 Va. 771: W. VA. CODE, § 2961; *Dobbins* v. *Dexter, Horton & Co.,* (Wash.) 113 Pac. 1088. Another class of statutes provides that earnings on her separate account shall be the wife's separate property. Kansas, Massachusetts, New Jersey, New York, Wisconsin, and Wyoming have such provisions. *Larimer* v. *Kelley,* 10 Kan. 298: *Fowle* v. *Tidd.* 15 Gray, 94: *Small* v. *Pryor,* 69 N. J. Eq. 606: 2 GEN. STAT. N. J. 2013, § 4; *Stevens* v. *Cunningham,* 181 N. Y. 454: *Emerson-Talcott Co.* v. *Knapp,* 90 Wis. 34: COMP. STAT. WYO., § 3912. Still another class of states provides that earnings for all services except those rendered for husband and family shall belong to the wife. Those are Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Minnesota, Missouri, and Rhode Island. *Larkin* v. *Woolsey,* 109 Ala. 258; *Vincent* v. *Ireland,* 2 Penn. (Del.) 580; *Brown* v. *Walker,* 81 Ill. App. 396; BURN'S R. S. IND., § 7867; *Hamilton* v. *Hamilton,* 26 Ind. App. 114; *Gilbert, Hedge & Co.* v. *Glenny,* 75 Iowa, 513; *Clark & Co.* v. *Meyers,* 24 Ky. Law Rep. 380; *Guilford* v. *DeLaney,* 57 Me. 586; *Riley* v. *Mitchell,* 36 Minn. 3; *Nelson* v. *Railroad,* 113 Mo. App. 659; *Berry* v. *Teel,* 12 R. I. 267. Arizona and California declare the earnings of both spouses to be community property. REV. STAT. ARIZ., § 3103; *Larson* v. *Larson,* (Cal.) 115 Pac. 340. The principal case holds that the services as nurse constitutes "domestic duties", so that the New Jersey Statute does not apply. There are other cases, however, which come to a different conclusion on substantially the same facts. *Hogg* v. *Lobb's Ex.,* 7 Houst (Del.) 399; *Hamilton* v. *Hamilton,* 26 Ind. App. 396; *Stevens* v. *Cunningham,* 160 N. Y. 454: As in accord with the principal case, see *Lewis's Estate, Rhode's Appeal,* 156 Pa. St. 337. See also 4 MICH. L. REV. 75.

INSURANCE—DEATH BY ACCIDENT.—A policy insured "against bodily injuries sustained through accidental means, resulting directly independently and exclusively of all other causes in death". *Held* that the insurer is liable although the insured was afflicted with a dormant cancer, if death actually resulted on account of the aggravation of the disease from an accident, even though death from the disease might have resulted at a later period regardless of the injury. *Fidelity & Casualty Co.* v. *Meyer* (Ark. 1912) 152 S. W. 995.